

DOCKET NO. 8229-018-27 CIP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: JIM HUNTER, ET AL.

SERIAL NO.: NEW CIP APPLICATION

FILING DATE: HERewith

FOR: HIGH CONTRAST GRATING LIGHT VALVE

LIST OF INVENTORS' NAMES AND ADDRESSES

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

Listed below are the names and addresses of the inventors for the above-identified patent application.

1. Jim HUNTER
385 Moffett Park Drive, Suite 115
Sunnyvale, CA 94089-1208
2. Chris GUDEMAN
385 Moffett Park Drive, Suite 115
Sunnyvale, CA 94089-1208
3. David T. AMM
178 Greenless Drive
Kingston, Ontario, K7K 6P5, CANADA

A declaration containing all the necessary information will be submitted at a later date.

Respectfully submitted,

PIPER MARBURY RUDNICK & WOLFE LLP



Steven B. Kelber
Registration No. 30,073
Attorney of Record

1200 Nineteenth Street, N.W.
Washington, D.C. 20036-2412
Telephone No. (202) 861-3900
Facsimile No. (202) 223-2085

**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

8229-018-27 CIP

First Inventor or Application Identifier

JIM HUNTER, ET AL.

Title

HIGH CONTRAST GRATING LIGHT VALVE

J100d U.S. PRO
10/05/994

01/22/02

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

1. ☒ Fee Transmittal Form (e.g. PTO/SB/17)
(Submit an original and a duplicate for fee processing)
☐ Applicant claims small entity status.
2. ☒ Specification Total Pages **17**
3. ☒ Drawing(s) (35 U.S.C. 113) Total Sheets **5**
4. ☐ Oath or Declaration Total Pages
 - a. ☐ Newly executed (original or copy)
 - b. ☐ Copy from a prior application (37 C.F.R. §1.63(d))
(for continuation/divisional with box 16 completed)
5. ☐ Incorporation By Reference (usable if box 4B is checked)
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4B, is considered to be part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

ACCOMPANYING DOCUMENTS

6. ☐ Assignment Papers (cover sheet & document(s))
7. ☐ 37 C.F.R. §3.73(b) Statement ☐ Power of Attorney
(when there is an assignee)
8. ☐ English Translation Document (if applicable)
9. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
10. ☐ Preliminary Amendment
11. ☒ White Advance Serial No. Postcard
12. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
13. ☐ Request for Priority
14. ☒ List of Inventors' Names and Addresses
15. ☒ Other: NonPublication Request and Certification
Request For Declaration of Interference

6. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application no.:

10/029,875, filed December 31, 2001 (Pending); which is a CIP off of 09/802,619, filed March 8, 2001 (pending)

Prior application information: Examiner:

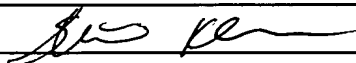
Group Art Unit:

7. Amend the specification by inserting before the first line the sentence:

- ☒ This application is a ☐ Continuation ☐ Division ☒ Continuation-in-part (CIP)
of application Serial No. 10/029,875 Filed on December 31, 2001 (Pending); which is a CIP off of 09/802,619 filed March 8, 2001 (Pending).
- ☐ This application claims priority of provisional application Serial No. Filed

18. CORRESPONDENCE ADDRESS

Supervisor, Patent Prosecution Services
PIPER MARBURY RUDNICK & WOLFE LLP
1200 Nineteenth Street, N.W.
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| | | | |
|-----------|---|------------------|---------|
| Name | Steven B. Kelber | Registration No. | 30,073 |
| Signature |  | Date | 1/22/02 |
| Name | | Registration No. | |
| Telephone | 202-861-3900 | | |

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IN RE APPLICATION OF: JIM HUNTER, ET AL.

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FOR: HIGH CONTRAST GRATING LIGHT VALVE

**NONPUBLICATION REQUEST
AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)**

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:


It is hereby certified that the invention disclosed in the attached application has not been and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at 18 months after filing. It is hereby requested that the attached application not be published under 35 U.S.C. 122(b). Applicant reserves the right to rescind this request pursuant to 35 U.S.C. 122(b)(2)(B)(ii).

Respectfully submitted,

PIPER MARBURY RUDNICK & WOLFE LLP

1/22/02
Date

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Washington, D.C. 20036-2412
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: JIM HUNTER, ET AL.

SERIAL NO.: NEW CIP APPLICATION

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REQUEST FOR DECLARATION OF INTERFERENCE, 37 C.F.R. §1.607 & 608

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

Pursuant to the provisions of the above-captioned Rules, Applicants request a declaration of an interference between the above-captioned patent application and U.S. Patent 6,169,624.

Pursuant to the provisions of Rule 608, Applicants believe they are entitled to a judgment vis-a-vis the '624 patentees, *prima facie*, on the basis of prior invention and correct designation of inventors in the '624 patent, and possibly derivation. Applicants also believe the '624 patent claims, at least claim 23, are invalid for lack of enablement. Upon indication of otherwise allowable subject matter, Applicants will present papers fully complying with Rule 608.

The provisions of Rule 607 are complied with *seriatim*, as follows:

1. The patent with which an interference is requested is U.S. Patent 6,169,624.
2. Applicants advance as a proposed count Claim 23 of the '624 patent, or Claim 1 or Claim 4 of the above-captioned patent application, which are substantially identical.
3. Applicants identify as at least one claim in the patent corresponding to the proposed count, Claim 23.

4. Applicants present Claims 1-10 herein, each of which is believed to correspond to the proposed count.

5. This provision is not applicable.

6. The conditions of 35 U.S.C. §135(b) are met. The '624 patent issued January 2, 2001. The parent application of this application (atty docket 8229-017-27 CIP) was filed less than a year after the issue date of the '624 patent (December 31, 2001) with a claim identical to Claim 23 of the '624 patent and claim 4 of the above-captioned application.

In compliance with the provisions of 37 C.F.R. §1.607(c), Applicants advise that Claim 1 of the above-captioned patent application was substantially copied from Claim 23 of the '624 patent.

Respectfully submitted,

PIPER MARBURY RUDNICK & WOLFE LLP



Steven B. Kelber
Registration No: 30,073
Attorney of Record

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Telephone: (202) 861-3900
Facsimile : (202) 223-2085

FEE TRANSMITTAL

| | |
|----------------|---------------------|
| Docket No. | 8229-018-27 CIP |
| Serial No. | NEW CIP APPLICATION |
| Filing Date | HEREWITH |
| Inventor(s) | JIM HUNTER, ET AL. |
| Group Art Unit | UNASSIGNED |
| Examiner | UNASSIGNED |

TOTAL AMOUNT OF PAYMENT **\$870.00**


1. ☐ Applicant claims small entity status.
- ☒ Charge any UNDERPAYMENT or credit any OVERPAYMENT in the indicated fees to Deposit Account No. 50-1442.
- ☐ Charge the indicated fees to Deposit Account No. 50-1442.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

2. ☒ Check enclosed.

| | | | | | | | | | | | | | | | |
|--|----------|---------------------------|----------|--|----------|-------------------------|----------|----------|----------|--|----------|-----|-----|---------------------------|--|
| 2. <input checked="" type="checkbox"/> Check enclosed. | | | | | | Fee Code | Fee (\$) | Fee Code | Fee (\$) | | Fee Paid | | | | |
| FEE CALCULATION | | | | | | 105 | 130 | 205 | 65 | Surcharge-late filing fee or oath | 130.00 | | | | |
| 1. BASIC FILING FEE | | | | | | 127 | 50 | 227 | 25 | Surcharge-late provisional filing fee or cover sheet | | | | | |
| Large Entity | | Small Entity | | Fee Description | | 139 | 130 | 139 | 130 | Non-English specification | | | | | |
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | Fee Paid | 147 | 2520 | 147 | 2520 | Ex parte reexam. fee | | | | | |
| 101 | 740 | 201 | 370 | Utility filing fee | 740.00 | 115 | 110 | 215 | 55 | 1-mo. ext. of time | | | | | |
| 106 | 330 | 206 | 165 | Design filing fee | | 116 | 400 | 216 | 200 | 2-mo. ext. of time | | | | | |
| 107 | 510 | 207 | 255 | Plant filing fee | | 117 | 920 | 217 | 460 | 3-mo. ext. of time | | | | | |
| 108 | 740 | 208 | 370 | Reissue filing fee | | 118 | 1440 | 218 | 720 | 4-mo. ext. of time | | | | | |
| 114 | 160 | 214 | 80 | Provisional filing fee | | 128 | 1960 | 228 | 980 | 5-mo. ext. of time | | | | | |
| SUBTOTAL (1) | | | | | \$740.00 | 119 | 320 | 219 | 160 | Notice of Appeal | | | | | |
| 2. EXTRA CLAIM FEES | | | | | | 120 | 320 | 220 | 160 | Appeal Brief | | | | | |
| tot. claims | | 7 | - | 20* | = 0 | x | \$18 | = | 0 | 121 | 280 | 221 | 140 | Request for Oral Hearing | |
| ind. claims | | 2 | - | 3* | = 0 | x | \$84 | = | 0 | 142 | 1280 | 242 | 640 | Utility/Reissue Issue Fee | |
| <input type="checkbox"/> | | Multiple Dependent Claims | | | | \$280 | = | | | 143 | 460 | 243 | 230 | Design Issue Fee | |
| Large Entity | | Small Entity | | Fee Description | | 144 | 620 | 244 | 310 | Plant Issue Fee | | | | | |
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | | 122 | 130 | 122 | 130 | Petitions to the Commissioner | | | | | |
| 103 | 18 | 203 | 9 | Claims in excess of 20 | | 126 | 180 | 126 | 180 | IDS Submission | | | | | |
| 102 | 84 | 202 | 42 | Independent claims in excess of 3 | | 581 | 40 | 581 | 40 | Assignment | | | | | |
| 104 | 280 | 204 | 140 | Multiple dependent claim, if not paid | | 179 | 740 | 279 | 370 | For Filing RCE | | | | | |
| 109 | 84 | 209 | 42 | *Reissue independent claims over original patent | | 169 | 900 | 169 | 900 | Expedited Design | | | | | |
| 110 | 18 | 210 | 9 | *Reissue claims in excess of 20 and over original patent | | OTHER (indicate below): | | | | | | | | | |
| SUBTOTAL (2) | | | | | \$0.00 | | | | | | | | | | |
| * or number previously paid, if greater; For Reissues, see above | | | | | | SUBTOTAL (3) | | | | | \$130.00 | | | | |

| | | | |
|-----------|---|------------------|--------------|
| Name | Steven B. Kelber | Registration No. | 30,073 |
| Signature |  | Date | 1/22/02 |
| Name | | Registration No. | 202-861-3900 |